

GAHC010188762025



2026:GAU-AS:2755

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5083/2025

MOZIBAR RAHMAN
S/O LT. ALAL UDDIN SK, R/O VILL- KUMARDIHI PART-II, P.O.- BILASIPARA,
P.S.- BILASIPARA, DIST- DHUBRI (ASSAM), PIN-783348

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVT. OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPT., DISPUR, GHY-06

2:THE DISTRICT COMMISSIONER CUM DISTRICT COLLECTOR
DHUBRI
ASSAM

3:THE COMPETENT AUTHORITY FOR LAND ACQUISITION (CALA) CUM
ADC
DHUBRI DISTRICT
ASSAM

4:THE UNION OF INDIA
REPRESENTED BY THE MINISTRY OF RAILWAY DEPARTMENT
NEW DELHI-1

5:THE N.F. RAILWAY
REPRESENTED BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
P.O.- MALIGAON
DIST- KAMRUP (M)
ASSAM
GHY-11

6:THE SUB DIVISIONAL OFFICER
CIVIL
BILASIPARA
P.O. AND P.S.- BILASIPARA
DIST- DHUBRI
ASSAM
PIN-783348

7:THE CIRCLE OFFICER CUM ASSISTANT SETTLEMENT OFFICER
BILASIPARA REVENUE CIRCLE
BILASIPARA
P.O. AND P.S.- BILASIPARA
DIST- DHUBRI
ASSAM
PIN-783348

8:ABDUS SALAM
S/O LT. ALAL UDDIN SK
VILL- KAMARDIHI PT-II
P.O.- TILAPARA
P.S.- CHAPAR
DIST- DHUBRI (ASSAM)
PIN-78337

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. M. U. Mondal, Advocate

For the Respondent(s) : Mr. J. Handique, Advocate
Mr. N. Goswami, Advocate
Mr. S. S. Roy, Advocate
Mr. S. Islam, Advocate

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 23.02.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. M. U. Mondal, the learned counsel appearing on behalf of the petitioner. Mr. J. Handique, the learned counsel appears on behalf of the respondent No.1; Mr. N. Goswami, the learned counsel appears on behalf of the respondent Nos.2, 3, 6 & 7; Mr. S. S. Roy, the learned counsel appears on behalf of the respondent No.5 and Mr. S. Islam, the learned counsel appears on behalf of the respondent No.8.

2. The petitioner herein is aggrieved by the inaction on the part of the respondent authorities in taking appropriate steps pursuant to the application filed by the petitioner under Section 64(1) read with Section 77 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the Act of 2013").

3. The materials on record further show that the grievance of the petitioner herein is that the petitioner was issued a notice that the compensation to which the petitioner would be entitled to was Rs.5,20,04,294/-. Subsequently, it has been determined that the petitioner's compensation would be Rs.3,55,87,902/-. It is the case of the petitioner that the value of the land as well as the building standing thereupon have not been taken into consideration as per the mandate of the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act of 2013') and more particularly, Sections 26 to 30 of the said Act of 2013. It is under such circumstances, the petitioner therefore filed an application seeking a reference on 21.04.2025.

4. The inaction on the part of the respondent No.2 to make a reference has constrained the petitioner to approach this Court by filing the present writ petition.

5. It is noticed that upon filing of the writ petition on 03.09.2025, notice was issued specifically observing that the pendency shall not be a bar upon the respondent No.2 to act on the application of the petitioner strictly in accordance with law.

6. The instant writ petition was taken up on 17.02.2026 on which date this Court enquired with the learned counsel appearing on behalf of the respondents, more particularly the District Administration as to under what provision the land was acquired and further as to whether the award has been passed. In pursuance thereto, Mr. N. Goswami, the learned counsel has placed before this Court a set of instructions provided by the Additional District Commissioner and Competent Authority, Land Acquisition dated 21.02.2026 which are kept on record and marked with the letter "X".

7. From a perusal of the above documents collectively kept on record and marked with the letter "X", it appears that the award was passed in LA Case No.1/2022-23 under the provisions of the Act of 2013. It was also mentioned that in pursuance to that, a Speaking Order was also passed on 17.03.2025 whereby it was determined that the petitioner's entitlement was Rs.3,55,87,902/- and not Rs.5,20,04,294/-. It is the opinion of this Court that neither the District Commissioner nor the Additional District Commissioner can determine a dispute pertaining to inadequacy of the compensation. It can only be done decided by the Authority as mandated under Section 64 of the Act of 2013. It further appears that the petitioner sought for a Reference on the question of inadequacy of compensation by submitting an application on 21.04.2025 and the same having not been considered for which the petitioner has approached this Court.

8. Taking into account the language of Section 64 of the Act of 2013 that a Collector shall within the period of 30 days from the date of receipt of the application, make a reference to the appropriate authority, it is imperative to the respondent No.2 to make a Reference to the Authority, i.e. the learned Court of the District Judge, Dhubri for deciding the dispute. The respondent No.2 having failed to comply with the duty imposed upon the respondent No.2 vide the first proviso to Section 64(1) of the Act

of 2013, it has become necessary for this Court to pass appropriate directions.

9. Accordingly, the instant writ petition stands disposed of with the following observations and directions:-

(i) The respondent No.2 shall within 30 days from the date a certified copy of the instant judgment is served upon the respondent No.2 shall make a Reference to the learned Court of District Judge, Dhubri, for adjudication on the objection raised by the petitioner as regards the inadequacy of compensation.

(ii) No costs.

JUDGE

Pradip Kumar Kalita

Digitally signed by Pradip Kumar Kalita
Date: 2026.02.25 13:41:23 +05'30'

Comparing Assistant